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on 9/11/08

PATENT
Docket No.: 020681-000410US

TOWNSEND and TOWNSEND and CREW LLP

By: Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hans Hofland *et al.*

Application No.: 10/713,787

Filed: November 13, 2003

For: OPHTHALMIC LIPOSOME
COMPOSITIONS AND USES
THEREOF

Customer No.: 20350

Confirmation No.: 8755

Examiner: Gollamudi S. Kishore

Art Unit: 1615

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request withdrawal of the Notice of Abandonment dated September 5, 2008 in view of the fact that a Notice of Appeal and Extension of Time were timely filed via EFS-Web on June 30, 2008, copies of which are attached for the Examiner's convenience.

Respectfully submitted,

Eugenia Garrett Wackowski
Eugenia Garrett Wackowski
Reg. No. 37,330

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Tel: (415) 576-0200, Fax: (415) 576-0300
EGW:lls
61499746 v1

Electronic Acknowledgement Receipt

EFS ID:	3540335
Application Number:	10713787
International Application Number:	
Confirmation Number:	8755
Title of Invention:	Ophthalmic liposome compositions and uses thereof
First Named Inventor/Applicant Name:	Hans Hofland
Customer Number:	20350
Filer:	Eugenia Garrett-Wackowski/Linda Shaffer
Filer Authorized By:	Eugenia Garrett-Wackowski
Attorney Docket Number:	020681-000410
Receipt Date:	30-JUN-2008
Filing Date:	13-NOV-2003
Time Stamp:	14:30:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$780
RAM confirmation Number	9601
Deposit Account	201430
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (If appl.)
1		20681_000410_NOA.pdf	119585 a0ba340713101eb117856ae177c73c5/7b48b	yes	3
Multipart Description/PDF files in .zip description					
	Document Description	Start	End		
	Miscellaneous Incoming Letter	1	1		
	Notice of Appeal Filed	2	2		
	Extension of Time	3	3		

Warnings:**Information:**

2	Fee Worksheet (PTO-06)	fee-info.pdf	8320 95d724d99c23b3b364c72c70c5e44eb055d47ea	no	2
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Warnings:**Information:**

Total Files Size (in bytes):	127885
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

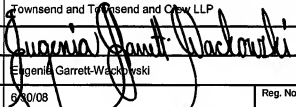
Electronic Patent Application Fee Transmittal


Application Number:	10713787			
Filing Date:	13-Nov-2003			
Title of Invention:	Ophthalmic liposome compositions and uses thereof			
First Named Inventor/Applicant Name:	Hans Hoffland			
Filer:	Eugenia Garrett-Wackowski/Linda Shaffer			
Attorney Docket Number:	020681-000410			
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	255	255
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

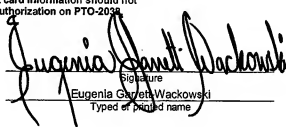
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	525	525
Miscellaneous:				
Total in USD (\$)				780


TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/713,787
	Filing Date	November 13, 2003
	First Named Inventor	Hofland, Hans
	Art Unit	1615
	Examiner Name	Gollamudi S. Kishore
	Attorney Docket Number	020681-000410US
Total Number of Pages in This Submission		1

ENCLOSURES <small>(Check all that apply)</small>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input type="checkbox"/> The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Eugenia Garrett-Wackowski		
Date	6/30/08	Reg. No.	37,330

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on the date shown below.			
Signature			
Typed or printed name	Linda Shaffer	Date	6/30/08

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 020681-000410US	
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on <u>June 30, 2008</u> . Signature <u><i>Linda Shaffer</i></u> Typed or printed name <u>Linda Shaffer</u>		In re Application of Hans Hofland et al. Application Number <u>10/713,787</u> Filed <u>November 13, 2003</u> For OPHTHALMIC LIPOSOME COMPOSITIONS AND USES THEREOF Art Unit <u>1615</u> Examiner <u>Gollamudi S. Kishore</u>	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ <u>510</u> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u>255</u> <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. <p style="font-size: small;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,330</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		 _____ Eugenia Garetta Wackowski Typed or printed name _____ 925-472-5000 Telephone number _____ 6/30/08 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)																									
FY 2008 <small>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818))</small>		020681-000410US																									
Application Number 10/713,787		Filed November 13, 2003																									
For OPTHALMIC LIPOSOME COMPOSITIONS AND USES THEREOF																											
Art Unit 1615		Examiner Gollamudi S. Kishore																									
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: center;">Fee</th> <th style="width: 15%; text-align: center;">Small Entity Fee</th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$120</td> <td style="text-align: center;">\$80</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$460</td> <td style="text-align: center;">\$230</td> <td>\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1050</td> <td style="text-align: center;">\$525</td> <td>\$ 525 _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1640</td> <td style="text-align: center;">\$820</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2230</td> <td style="text-align: center;">\$1115</td> <td>\$ _____</td> </tr> </tbody> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-1430</u>. I have enclosed a duplicate copy of this sheet.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>37,330</u></p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p> _____ Signature</p> <p><u>Eugenia Garsztka-Wackowski, Reg. No. 37,330</u> Typed or printed name</p> <p style="text-align: right;">6/30/08 _____ Date</p> <p style="text-align: right;">925-472-5000 _____ Telephone Number</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> Total of _____ forms are submitted.</p>					Fee	Small Entity Fee		<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$80	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ 525 _____	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$ _____
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